

SO ORDERED: June 13, 2007.




Frank J. Otte  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE:		
WENDELL HORSTMAN ESTELLE	)	CASE NO.06-7964-FJO-7
Debtor	)	
	)	
RONALD HOOKER	)	
	)	
	)	
Plaintiff	)	
	)	
vs.	)	Adversary Proceeding
WENDELL HORSTMAN ESTELLE	)	No. 07-50085
	)	
Defendant	)	
	)	

**JUDGMENT**

This matter came before the Court upon the filing of the Plaintiff's Complaint on February 8, 2007. The Court held a trial on this matter on June 13, 2007. The Plaintiff's action was filed pursuant to section 523(a) (2) of the Bankruptcy Code.

The Court hereby incorporates the findings of fact and conclusions of law entered on the record pursuant to Rule

7052.

The Court, after reviewing this matter, now finds for Defendant on the complaint. The evidence presented indicated that the debt owing was not procured by false pretenses, a false statement, or actual fraud. It is admittedly a very unfortunate situation for both parties, the Debtor having encountered a failed business and the Plaintiff having suffered a very large personal financial loss as a result thereof. However, the Bankruptcy Code only provides for a very narrow range of debts to be excepted from discharge due to the "fresh start" intended by the bankruptcy process. The circumstances surrounding the debt in this case are not the type contemplated by the Code to give rise to the special treatment under section 523 which provides for the nondischargeability of certain debts.

The Court determines that under section 523 of the Bankruptcy Code, said debt owing between the parties which is the subject of the complaint is dischargeable. It is, therefore

ORDERED, ADJUDGED AND DECREED that judgment be entered in favor of the Defendant and against the Plaintiffs on the Complaint and said debt is forever DISCHARGEABLE.

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